

Directive 2 of 2019

Gaming Premises Directive

In exercise of the powers conferred by article 7(2) of the Gaming Act, 2018 (Cap. 583 of the Laws of Malta), the Malta Gaming Authority is hereby issuing the following directive in order to delineate further requirements to which gaming premises must adhere.

Part I – Short Title and Definitions

1. The short title of this directive is the Gaming Premises Directive 2019.
2. This directive shall come into force on the 1 February 2019.
3. (1) In this directive, save as provided in sub-article (2) of this article, all words and phrases shall have the same meaning as prescribed in the Gaming Definitions Regulations.

(2) In this directive, unless the context otherwise requires:

“Directive” means this Gaming Premises Directive.

Part II – Junket Gaming

4. (1) An application for a junket shall be made in the manner prescribed by the Authority and shall be filed not less than five (5) working days before the junket is due to commence:

Provided that, in exceptional circumstances, a casino licensee may convert a regular player into a junket player if, without prejudice to all other criteria required in order for a player to be considered a junket player, the casino must be in possession of concrete evidence that the player is going to play, within a specified timeframe, not less than seven thousand five hundred Euro (€7,500) at the casino.

Provided further that in any such case as envisaged in the immediately preceding proviso, the amount of seven thousand five hundred Euro (€7,500) shall be converted into chips by means of a single deposit and such amount must be wagered within the specified timeframe.

(2) If the casino licensee converts a regular player into a junket player in accordance with the first proviso to sub-article (1), the casino licensee shall be required to submit the application referred to in sub-article (1) forthwith and in any case not later than twenty-four (24) hours following the conversion of the regular player into a junket player.

(3) If the terms envisaged in sub-article (1) hereof are not adhered to, the casino licensee may, if all other criteria are satisfied, still choose to treat players as junket players, but for the purposes of the Gaming Tax Regulations, Gaming Revenue generated therefrom shall be treated in terms of regulation 5(2) or 5(3) of the Gaming Tax Regulations, as the case may be, rather than regulation 5(5) of the same Regulations.

5. (1) An application for a junket event shall be made in the manner prescribed by the Authority and shall be filed not less than twenty (20) working days before the junket event is due to commence.

(2) For the purposes of holding a junket event, a casino licensee may make use of an extended area which is adjacent to the gaming premises to which the concession issued by Government relates:

Provided that the Authority shall, in its sole discretion, determine whether or not an extended area is adjacent to the casino licensee's gaming premises:

Provided further that for the period during which the extended area is being used for the junket event, no other gaming activity other than the junket event shall be carried out in the same area.

(3) The approval of the extended area referred to in sub-article (2) hereof shall be limited solely to the duration of the junket event.

(4) The extended area referred to in this article shall not be used for a period exceeding fourteen (14) days for a single junket event.

(5) For the duration of the use of the extended area for the purposes of the junket event, the casino licensee shall ensure that it adheres to all requirements to which the gaming premises themselves are required to adhere, including but not limited to surveillance and other security and access control requirements, and the unfettered access required to be granted to officers of the Authority for the performance of their functions in terms of applicable regulatory instruments.

(6) If the term envisaged in sub-article (1) hereof is not adhered to, the casino licensee may, if all other criteria are satisfied, still conduct the junket event, but for the purposes of the Gaming Tax Regulations, Gaming Revenue generated therefrom shall be treated in terms of regulation 5(3) of the Gaming Tax Regulations, rather than regulation 5(5) of the same Regulations:

Provided that in any such case, no extended area may be availed of.

Part III – Additional Gaming Premises Requirements

6. (1) In addition to the obligations established in the other regulatory instruments and in the other applicable Parts of this Directive, gaming premises operators, including operators of controlled gaming premises, shall also adhere to the obligations envisaged in this part.

(2) In this Part, references to “licensee” shall be read and construed as references to gaming premises operators, including operators of controlled gaming premises.

Employee and Customer Identification

7. (1) All employees working in a licensee’s gaming premises shall at all times wear a tag for identification purposes.

Provided that the licensee shall keep a register for the purpose of identifying employees.

(2) All such employees shall, at the request of any official of the Authority, provide identification documents for inspection.

8. (1) All persons in gaming premises shall, at the request of any official of the Authority, provide identification documents for inspection:

Provided that such persons may present a personal card issued to them by the gaming premises operator, if through such card the details of such person may be derived from the gaming premises operator’s systems.

(2) Failure to provide such documents shall amount to an offence against the Act in terms of the Third Schedule to the Act.

Access Control

9. (1) Licensees shall ensure that all access points to the gaming premises are adequately controlled in order to ensure that no person may access the gaming premises without undergoing the required procedures.

(2) Without prejudice to the generality of the foregoing, the reception area of gaming premises shall be manned at all times by staff of sufficient number and knowledge to ensure that no person gains access to the gaming premises without all applicable regulatory requirements having been satisfied:

Provided that for the sake of clarity, the reception shall be located at the entrance of the gaming premises, or at any rate in such a manner as to ensure that no person may enter the gaming area of such premises prior to passing through the reception.

(3) (a) Licensees shall not be obliged to adhere to the same requirements established in relation to the registration and verification of players with respect to visitors to the gaming premises that are not and do not intend to be players during such visit but shall limit themselves solely to professional and, or academic endeavours. Instead, licensees shall collect solely the following information in relation to such visitors:

- (i) Name and surname;
- (ii) Age;
- (iii) Date of visit;
- (iv) Time of entry and time of egress from the gaming premises;
- (v) Valid identification document; and
- (vi) Purpose of visit, including some manner of confirming that the purpose of the visit is professional and, or academic in nature.

(b) Notwithstanding any other regulatory instrument, visitors registered in terms of paragraph (a) hereof need not be of the minimum required age for entry into the gaming premises:

Provided that in any such case, the gaming premises operator is required to take additional precautions to ensure that such persons do not in fact make use of the operator's gaming service:

Provided further that in no case shall such persons be less than sixteen (16) years of age.

(c) The list and details of visitors that visit solely for professional and, or academic endeavours shall be kept in a separate list to the list of registered players referred to in article 30(4) of the Gaming Authorisations and Compliance Directive.

Unattended Money or Chips

10. Money or money's worth, including but not limited to chips and, or tickets found lying unclaimed in gaming premises by any person shall be immediately presented to the licensee or to any person acting on the licensee's behalf and who is present in the gaming premises and, unless claimed by its owner, shall be deposited and kept in a register for that purpose in the gaming premises. Any amount which remains outstanding in the said register at the end of each calendar month shall be deemed to be, and shall be written as, Gaming Revenue for that particular month.

Win Certificates

11. Where a player in gaming premises requests a certificate attesting that he won a certain amount in order for him to be able to provide proof of its source, the following provisions shall apply:

- (a) The licensee may not refuse to issue a win certificate in cases where the winnings are not less than two thousand Euro (€2000):

Provided that the licensee may refrain from issuing win certificates for winnings made from pool betting, betting exchange, peer-to-peer poker, and, or other peer-to-peer games:

Provided further that where this is the case, players that wish to engage in such games shall be warned beforehand by the licensee, in a manner which is clearly documented and verifiable, that win certificates shall not be issued;

- (b) The certificate shall cover solely the amount that was won by the player, and shall in no case attest to the source of the money used to place the wagers;

- (c) The certificate shall contain at least the following information:

- (i) All identification details of the player, duly verified;
- (ii) How the amount was won, including the game or games that were played to achieve the result; and
- (iii) The endorsement of two of the persons exercising a key function within the licensee:

Provided that the endorsement of the Money-Laundering Reporting Officer alone shall also be sufficient.

- (d) The licensee shall keep a copy of all Win Certificates and keep them in a register kept specifically for such purpose.

Surveillance

12. (1) Licensees shall, for the purpose of ensuring security within the gaming premises, install and keep in good working order a surveillance system equipped with high-resolution imagery and high-definition sound reception which ensures that:

- (a) All gaming devices and access points to the gaming premises are clearly visible; and

- (b) Speech is clearly audible and recorded in the following areas:

- (i) The reception;
- (ii) The count room;
- (iii) In land-based casinos, at each gaming table; and
- (iv) In land-based casinos, at the cash desk.

- (2) The licensee shall ensure that the surveillance system is handled by adequately trained staff.

(3) Surveillance systems shall be set up in such a manner to ensure that the electrical power flowing thereto remains uninterrupted to ensure that the system is in operation during all hours in which staff and, or players are in the gaming premises.

(4) Audio and video recordings shall be retained by the licensee for not less than thirty (30) days from the date which they relate to.

Device Restrictions

13. (1) For the sake of clarity, the restrictions envisaged herein are without prejudice to the restrictions established in the Gaming Premises Regulations.
- (2) Gaming tables may only be deployed in gaming premises in possession of a concession in terms of article 11(3) of the Gaming Act.
- (3) The only gaming device of an electrical, electronic or mechanical nature which may be used in a bingo hall or for the provision of the gaming service therein shall be the gaming device, the sole purpose of which is to generate the result of the bingo draws.

Part III – Gaming Tables

14. (1) In accordance with article 13 of this Directive, gaming tables may only be deployed in gaming premises in possession of a concession in terms of article 11(3) of the Gaming Act, and “licensee” in this Part shall therefore be construed accordingly to refer solely to such premises.
- (2) The procedure of opening and closing a gaming table shall be carried out by no less than three (3) employees of the licensee and shall be monitored at all times through surveillance by a fourth employee, adequately trained in the use of the surveillance system. The procedure and float system to be employed shall be documented in detail and shall require the Authority’s approval.
- (3) All movements of chips and cash, where applicable, to and from a gaming table shall be documented and monitored through surveillance by adequately trained personnel. In all cases no less than two persons shall be involved in any such procedure, excluding the person monitoring through the surveillance system, and an audit trail shall be kept at all times.

Part IV – Counting Procedures

15. In this Part, the term “licensee” shall be construed in accordance with the Sub-Part to which the relative provision relates.

Land-based casinos

16. (1) The procedure of counting of revenues made from each gaming device in the licensee's gaming premises shall be determined by the licensee but shall satisfy in all cases the following minimum criteria:

- (a) The procedure shall take place in a count room designated appositely for that purpose, which shall adhere to the minimum standards established in this Directive and, or in any other binding instrument issued by the Authority;
- (b) The team of personnel conducting the count shall in no case be less than two (2) or more than four (4) persons, excluding the person monitoring through surveillance:

Provided that where the process is partially automated, the team of personnel shall be not less than two (2) or more than four (4) persons, excluding the person monitoring through surveillance:

Provided further that in each case, the personnel conducting the count shall at all times include the key person in charge of the gaming floor and at least one cashier;

- (c) If, during a count, the personnel conducting it leave the count room, the count must stop, and a reconciliation of what has been already counted must be performed and the monies locked in the safe;
- (d) Money, chips and plaques must be counted at least twice to ensure accuracy, and at the end of the counting procedure, a reconciliation must be carried out;
- (e) The count for each gaming device, including for each gaming table, shall be separately recorded showing the total for each individual denomination of cash, chips, plaques, and the details of all fills and credits where applicable;
- (f) All drop boxes and stackers shall be clearly numbered. Before the opening of a drop box or stacker, it shall be clearly visible and its unique number legible through surveillance;
- (g) The following verbal announcements shall be made in a voice which is clearly audible through surveillance:
 - (i) For every drop box or stacker, its unique number shall be read out before its opening;
 - (ii) After emptying the contents of every drop box or stacker, the contents thereof must be made visible to the camera and the word "empty" shall be uttered;
 - (iii) The total drop and result elicited from an emptied drop box or stacker, including a call of the denomination of the currency;
 - (iv) In the reconciliation process, all cash and plaques by denomination; and

(v) When the count is completed, the total drop and final result of the count:

Provided that the licensee shall have in place adequate procedures to ensure that any variance discovered during such count is duly resolved.

(2) Counts are to be supervised by at least one person monitoring through surveillance at all times. The surveillance of counts shall at all times, without prejudice to all other requirements, satisfy the following minimum criteria:

- (a) The cash counting machine used in the count must be visible and its display clearly legible through surveillance at all times, without exception;
- (b) The denomination of currency notes and, or coins fed to the cash counting machine shall also be clearly visible and legible through surveillance at all times, without exception;
- (c) The surveillance system must have an unrestricted view of all elements of the counting procedure, including the area where uncounted money, chips or plaques are stored during the count, and including walls, access points, counting machines, vaults, safes and the general work surface; and
- (d) Not less than one piece of audio-visual recording equipment shall be at all times focused on the amount displays of the counting machine.

(3) The licensee shall have written procedures regulating the carrying out of the count, which shall be submitted to the Authority for its approval.

(4) The count for each gaming device shall be separately recorded, showing the total amount of money, chips and plaques, split by denomination and by gaming device, and shall include all details relating to fills and credits made with respect to that gaming device.

(5) The results of the count/s of a particular business day shall be closed and transmitted to the Authority by not later than 1400 hours of the following business day.

Provided that in exceptional circumstances, the closure of the count of a particular business day may be extended if the casino licensee obtains the prior approval of the Authority.

17. (1) There shall be a room designated solely and exclusively for the conduct of the counting procedure envisaged in article 16.

(2) Access controls shall be present at all times with respect to the count room, and no person other than the employees conducting the count, any person specifically authorised to be there by a legal representative of the licensee, and, or an officer of the Authority or any other person specifically permitted to be present in terms of an applicable law, may be present in the count room during the counting procedure.

(3) Without prejudice to the generality of article 16(1)(a), the count room shall have the following minimum characteristics:

- (a) A clear work surface on which the money, chips and plaques are clearly visible through the surveillance system;
- (b) One or more counting machines;
- (c) A designated area within the count room where stackers and, or drop boxes are placed, oriented in such a manner as to ensure that empty stackers and drop boxes are clearly distinguishable from full stackers and drop boxes through the surveillance system;
- (d) Trays which clearly distinguish between different denominations of chips, plaques and money in a manner clearly visible through the surveillance system;
- (e) A safe, vault or other means of keeping the money, chips and plaques adequately secure in case the count needs to be stopped and the employees carrying out the count vacated; and
- (f) A surveillance system designed in such manner as to have full visibility of the process, including sound, with such clarity as to enable the count to be surveilled in an effective and rigorous manner.

Bingo Halls and Controlled Gaming Premises

18. (1) Bingo halls and controlled gaming premises shall carry out the procedure of counting of revenues no less than once a week.
- (2) The count procedure to be carried out by bingo halls and controlled gaming premises shall be required to adhere to the requirements of this Sub-Part.
19. (1) The procedure of counting of revenues made from each gaming device in the bingo hall or controlled gaming premises, as the case may be, shall be determined by the licensee in accordance with procedures which shall require the Authority's approval, but shall in all cases satisfy the following minimum criteria:
- (a) The team of personnel conducting the count shall in no case be less than two (2) or more than four (4) persons:

Provided that such team shall at all times include at least one person exercising a key function;

- (b) The denomination of currency notes and, or coins counted shall be clearly visible and legible through surveillance at all times, without exception;
- (c) All containers storing money and, or tickets or other representation of value shall be clearly numbered. Before the opening of such container, it shall be clearly visible and its unique number legible through surveillance:

Provided that for the sake of clarity, each container shall have a unique number which corresponds to a specific gaming device;

- (d) The following verbal announcements shall be made in a voice which is clearly audible through surveillance:
 - (i) For every container referred to in paragraph (c) hereof, its unique number shall be read out before its opening;
 - (ii) For every container referred to in paragraph (c) hereof, the phrase “empty box” shall be uttered after the removal of all its contents;
 - (iii) The result total elicited from the emptied container, including a call of the denomination of the currency and, or tickets or other representation of value; and
 - (iv) When the count is completed, the final result thereof.

(2) For controlled gaming premises, the count for each gaming device shall be separately recorded, showing the total amount of money, tickets and, or other means of representation of value, split by denomination and by gaming device.

(3) The licensee shall inform the Authority of the date, time and place where the count will take place, in such manner as the Authority may prescribe, which shall not be less than once every calendar week.

(4) The results of the count shall be transmitted to the Authority by not later than 1400 hours of the following day.

Provided that in exceptional circumstances, the closure of the count of a particular business day may be extended if the licensee obtains the prior approval of the Authority

20. (1) The count shall be carried out in a place which has the necessary features to adhere to all applicable regulatory instruments, including but not limited to the features listed in article 17 of this Directive.

(2) Access controls shall be present at all times, and no person other than the employees conducting the count, any person specifically authorised to be present by a legal representative of the licensee and, or an officer of the Authority may be present thereat during the count.

(3) The place where the count is carried out shall, without prejudice to the requirements envisaged in article 18, have the following characteristics:

- (a) A clear work surface on which the money, tickets and, or other means of representation of value are clearly visible through the surveillance system;
 - (b) Trays which clearly distinguish between different denominations of money, tickets and, or other means of representation of value in a manner clearly visible through the surveillance system; and
 - (c) A surveillance system designed in such a manner as to have full visibility of the process, including sound, with such clarity as to enable the count to be surveilled in a rigorous and effective manner.
- (4) If the count, or part thereof, is to take place in premises different from the bingo hall or controlled gaming premises, as the case may be, from which the money, tickets and, or other means of representation of value are derived, the licensee shall ensure that:
- (a) The money, tickets and, or other means of representation of value shall be clearly attributable to the premises, and in the case of controlled gaming premises also to the individual gaming device, from which they are derived;
 - (b) The filling and emptying of the units in which the money, tickets and, or other means of representation of value must be clearly visible from surveillance; and
 - (c) There must be a clear audit trail in relation to the transportation of the money, tickets and other means of representation of value from the bingo hall or controlled gaming premises, as the case may be, to the count room.

Part V – Controlled Gaming Premises No Objection Procedure

21. (1) In accordance with regulation 14 of the Gaming Premises Regulations, in order for premises to be approved as controlled gaming premises they require *inter alia* the relevant Planning Authority permit to be issued for the appropriate class. In anticipation of such application with the Planning Authority, a prospective applicant may request from the Authority a certificate to the effect that it does not, *prima facie*, object to such premises being used as controlled gaming premises.
- (2) Such request shall be made in such form and accompanied by such documentation as the Authority may require, which shall include:
- (a) A site plan of the proposed location;
 - (b) A plan (scale 1:100) of the premises intended to be used as controlled gaming premises, which shall indicate at least the following:

- (i) The area in square metres;
 - (ii) The perimeter of the premises;
 - (iii) Where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building and means of access between buildings, if any;
 - (iv) Where the premises form part of another building, the location of any external or internal walls of the building which are included in the premises; and
 - (v) The location of each point of entry to, and exit from, the premises, including in each case a description of the place from which entry is made or to which the exit leads.
- (c) A declaration by a warranted architect appointed by the applicant, in such form as the Authority may require, attesting that the proposed premises satisfy the requirements envisaged in regulations 11 and 12 of the Gaming Premises Regulations.
- (3) The onus of proving compliance with the applicable legal requirements shall lie with the prospective applicant.
- (4) The no objection certificate is without prejudice to the requirement of obtaining the Authority's approval for the relevant controlled gaming premises in terms of regulation 14 of the Gaming Premises Regulations.
- (5) The no objection certificate shall remain valid for a period of three (3) months and the Authority may, at its sole discretion, extend the validity of the no objection certificate for a further period of three (3) months, if it receives a written request to this effect.
22. The applicant shall publish, in at least one (1) daily newspaper in English and one (1) daily newspaper in Maltese, a notice covering the following information by not later than three (3) working days from the date of issuance of the no objection certificate by the Authority:
- (a) the name of the person holding the no objection certificate issued by the Authority;
 - (b) the date when the no objection certificate was issued;
 - (c) the address of the proposed controlled gaming premises;
 - (d) instructions as to how the details pertaining to the application being processed by the Authority can be accessed by the public;
 - (e) a statement informing the public that any person wishing to object to the approval of the controlled gaming premises, on the basis of non-conformity with the Gaming Premises Regulations and, or this Directive, is to submit such objection in writing to the Authority within twenty (20) days commencing from the date of publication of the notice.
23. Following the issuance of the no objection certificate, the applicant shall affix a notice on the site of the proposed controlled gaming premises containing the information listed in article 22 and such notice shall remain affixed until the termination of the period mentioned in article 22(e) of this Directive.

Part VI – Cruise Casino Permits

24. (1) In this Part:

“call” means when a cruise ship is moored at or within Maltese territory during a particular voyage;

"Gozo" means the land territory of the island of Gozo, including all ports and harbours at which vessels may be moored;

"Maltese territory" means the Maltese territorial waters as regulated under Maltese law;

(2) In addition to the requirements envisaged in regulation 30 of the Gaming Authorisations Regulations, cruise casino permits and cruise casinos shall also comply with the requirements of this Part.

25. (1) Applications for a cruise casino permit shall be made in such form as may be required by the Authority, and shall be made not less than twenty (20) working days prior to the call:

Provided that the Authority may consider a late application subject to a reasonable justification.

(2) The Authority shall not issue a cruise casino approval unless the following provisions are satisfied in addition to those envisaged in regulation 30 of the Gaming Authorisations Regulations:

- (a) The payment, upon submission of the application, of the non-refundable permit fee as established in the Fourth Schedule to the Gaming Licence Fees Regulations; and
- (b) Confirmation that the cruise casino shall be operated solely at any time between six o' clock in the evening (1800 hours) and six o' clock in the morning (0600 hours) of the following day:

Provided that a person who intends to operate a cruise casino within the Maltese territory may only do so on a temporary and occasional basis and subject to the conditions laid out in the Gaming Authorisations Regulations and in this Part:

Provided further that in case of doubt as to whether a cruise casino call is temporary and occasional or otherwise, the Authority shall have the power to conclusively determine the matter after taking into account all matters which the Authority considers relevant in the circumstances:

Provided further that when the cruise casino shall be moored for a minimum of one overnight stay in Malta, and a minimum of one subsequent day in Gozo, or a minimum of one overnight stay in Gozo and a minimum of one subsequent day in Malta, it shall be exempt from payment of the application fee. For the purposes of this proviso “day” shall mean a stay of not less than six (6) hours.

26. (1) A cruise casino permit granted by the Authority may impose conditions relating to, *inter alia*:

- (a) The proper operation of casino games;
- (b) The protection of players;
- (c) The prevention of money laundering; and
- (d) Exigencies of public interest:

Provided that the Authority may at any time amend the conditions of a cruise casino permit by notifying the holder thereof in writing of any amendments.

27. (1) Except where a regulatory instrument may otherwise establish, the provisions of the regulatory instruments other than the powers of the Authority and its officials established in the Act and in the Gaming Compliance and Enforcement Regulations, shall not apply to any gaming which takes place in a cruise casino.

(2) An approved cruise casino shall comply with:

- (a) Any applicable code or codes of conduct, as well as any binding instruments that may be issued by the Authority in respect of gaming devices and, or games in the cruise casino;
- (b) Any conditions specified in the cruise casino permit; and
- (c) The applicable provisions of the Gaming Authorisations Regulations, and the provisions of this Part.

Part VII - Transitory

28. (1) Until 1 January 2020, licensees operating a land-based casino shall retain audio and video recordings for not less than seven (7) days, but audio and video recordings pertinent to any incident with a player shall be retained until such incident is resolved to the Authority's satisfaction.

(2) Licensees shall have until 1 January 2020 to upgrade the surveillance in bingo halls and controlled gaming premises to not less than high definition of both audio and video.

(3) Sub-articles (2) and (3) of article 14 of this Directive shall come into effect on 1 January 2020:

Provided that throughout calendar year 2020 the procedures to which such sub-articles apply shall be in accordance with the procedures approved by the Authority for the relevant gaming premises operator.

(4) Articles 18, 19 and 20 of this Directive shall come into effect on 1 January 2021.